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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,724	04/15/2005	Clacs Wallen	P/1094-159	9740
2352 7590 04/25/2008 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
MACNEILL, ELIZABETH				
ART UNIT		PAPER NUMBER		
3767				
MAIL DATE		DELIVERY MODE		
04/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,724

Applicant(s)

WALLEN, CLAES

Examiner

ELIZABETH R. MACNEILL

Art Unit

3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1 April 2008 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schock et al (US 5,254,097)

Schock teaches a device for injection, comprising a body (10) provided with a first channel (14) for conveyance of a first medical substance and a first connecting component (30) having a first port (32a) for introduction of a first medical substance into said first channel, and a second channel (42) for conveyance of a second medical substance and a second connecting component (36) having a second port (46) said second port (46) has a first flexible membrane (45) which can be opened by means of an injection component for injecting a second medical substance into said second

channel, and provided with a third connecting component (12) being common to the first and the second channels and having at least one third port (39) for conveying medical substances out from said first and second channels, characterized in that connecting components and the body are designed as an integrated unit (Fig 2), and said third connecting component is a first luer fitting component provided with a thread (28) for releasable connection with a second luer fitting component having a corresponding thread, for creating a luer fitting coupling.

As to claim 2, Fig 2; claim 3, said third connecting component (distal portion of the body) has a fourth port (46), wherein said third port (at 41) constitutes an outlet for the first channel and said fourth port constitutes an outlet for the second channel; as to claim 4, second flexible membrane arranged in an injection component (34) which is connectable to said second connecting component (Fig 2); as to claim 5, the device has a means (36) for holding said second flexible membrane with a pressure against said first membrane; as to claims 6-10, Fig 2, 6 and 8.

Schock does not teach that the first channel extends in a generally straight line through the body of the device. Instead, the second channel extends in a generally straight line through the device (Fig 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the first channel generally straight as one of ordinary skill in the art would have expected the device to function equally well with either channel being straight.

Response to Arguments

3. Applicant's arguments with respect to claims 1-11 have been considered but are not persuasive. Applicant has argued that slit valve 46 is not air- and liquid-proof. The valve is disclosed as a hemostatic valve which seals the second flow path and is self-closing. Anyone of ordinary skill in the art would recognize that a hemostatic valve (a valve which stops the flow of blood) is air- and liquid- proof and that the rubber which forms the valve must be air- and liquid- proof in order for the device to operate without leaking. As to the first lumen being straight, it is clear from Fig 2 that the second flow path (42) is parallel with the combined flow path (38) and that the switch 40 and 42 would be obvious to one of ordinary skill in the art in order to make the first flow path the straight path. The device will function equally well in either arrangement.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH R. MACNEILL whose telephone number is (571)272-9970. The examiner can normally be reached on 9:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elizabeth R MacNeill/
Examiner, Art Unit 3767

**/Kevin C. Sirmons/
Supervisory Patent Examiner, Art Unit 3767**